

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**January 23, 2006**

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Hull, Associate Justice; Cantil-Sakauye, Associate Justice; and Guzman, bailiff.

**C049372      TANKERSLEY et al. v. CALIFORNIA STATE MINING AND GEOLOGY BOARD**

Cause called. Dan Tankersley argued In Pro Per, as appellant. Joe Hardesty argued and Joseph Hardesty appeared only In Pro Per, as appellant. Deborah Wordham, Deputy Attorney General, argued for respondent. Cause submitted.

**C049409      JULIN et al. v. COUNTY OF AMADOR et al.**

Cause called. Lawrence S. Viola argued for appellants. Terrence J. Cassidy argued for respondent. Cause submitted.

At 10:10 a.m., the court recessed. At 10:15 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

**C046626      THE PEOPLE v. PHILLIPS**

Cause called. A.M. Weisman argued for appellant. Carlos A. Martinez, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:43 a.m., the court recessed. At 10:49 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

**C047182      WALLIS v. PHL ASSOCIATES, INC., and WICHMANN et al.**

Cause called. Joanna R. Mendoza argued for appellant. Tory E. Griffin argued for respondent PHL Associates Inc. Klaus J. Kolb argued for respondents Wichmann et al. Cause submitted.

At 11:35 a.m., the court recessed. At 1:29 p.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

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**The Minutes**

**January 23, 2006, continued**

**C044714      COORDINATED PROCEEDING SPECIAL TITLE (Rules 1550 (b))  
STATE WATER RESOURCES CONTROL BOARD CASES**

Cause called. Daniel O'Harlon argued for Plaintiff-Appellant Westlands Water District. Clifford Lee, Deputy Attorney General argued for Appellant-Cross-Appellant-Respondent-Cross-Respondent State Water Resources Control Board. Kevin T. Haroff argued for Plaintiff-Appellant Santa Clara Valley Water Dist. John L.B. Smith argued Defendants-Respondents-Cross Appellants Anderson et al. John Herrick argued for Defendants-Respondents-Cross Respondents Central Delta Water Agency et al. Tim O'Laughlin argued for Plaintiffs-Respondents-Appellants San Joaquin River Gp. Authority et al. Gregory K. Wilkinson argued for Real Party in Interest-Respondent-Cross Appellant State Water Contractors. Jeanne M. Zolezzi argued for Plaintiff-Appellant Stockton East Water Dist. Dante John Nomellini argued for Plaintiffs-Appellants-Cross Respondents Central Delta Water Agency et al. Steven C. Volker argued for Plaintiffs-Appellants Golden Gate Audubon Society et al. Mark W. Poole, Deputy Attorney General argued Appellant-Cross Appellant-Respondent-Cross Respondent State Water Resources Control Board. Carl Nelson argued Real Party in Interest-Respondent Contra Costa Water Dist. Cause submitted.

At 4:40 p.m. the court recessed until 9:30 a.m., Tuesday, January 24, 2006.

**C048964      THE PEOPLE v. BOICE      (Not for Publication)**

The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Raye, J.  
Butz, J.

**C049419      THE PEOPLE v. ELLIOTT      (Not for Publication)**

The appeal is dismissed.  
HULL, J.  
We Concur: Sims, Acting P.J.  
Davis, J.

**C049689      THE PEOPLE v. GALVAN      (Not for Publication)**

The judgment is affirmed.  
HULL, J.  
We Concur: Sims, Acting P.J.  
Robie, J.

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**January 23, 2006, continued**

- C049960      THE PEOPLE v. RITTER      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.  
HULL, J.  
We Concur:    Sims, Acting P.J.  
                 Robie, J.
- C050041      In re MALIK F. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. LATASHA F. (Not for Publication)**  
The order terminating the parental rights of appellant is affirmed.  
MORRISON, J.  
We Concur:    Raye, Acting P.J.  
                 Butz, J.

**January 24, 2006**

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Sims, Associate Justice; Robie, Associate Justice; and Facey, bailiff.

- C048876      THE CROW LAW FIRM v. LOCKSHIN et al.**  
Cause called. Gerald J. Alder argued for appellant. Larry Lockshin argued and Diana Esquivel appeared only for respondent. Cause submitted.
- C048529      In re ANTHONY C.; THE PEOPLE v. ANTHONY C.**  
Cause called. Heather MacKay, court appointed counsel, argued for appellant. Raymond L. Brosterhous, II, Deputy Attorney General, argued for respondent. Cause submitted.
- At 10:14 a.m., the court recessed. At 10:18 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.
- C049036      NATIONAL CASUALTY COMPANY v. SOVEREIGN GENERAL INSURANCE**  
Cause called. Alan B. Yuter argued for appellant. Dominic G. Flamiano argued for respondent. Cause submitted.

At 10:41 a.m., the court recessed. At 10:45 a.m., the court reconvened with Sims, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.



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**The Minutes**

**January 24, 2006, continued**

**C047061      LACKNER v. NORTH et al.      (CERTIFIED FOR PUBLICATION)**

The judgment in favor of Cassidy Bodine North on plaintiff's cause of action for negligence is reversed...

BLEASE, Acting P.J.

We Concur:    Sims, J.  
                  Davis, J.

**C048879      MEDEIROS v. MEDEIROS      (Not for Publication)**

The order is affirmed....

BUTZ, J.

We Concur:    Raye, Acting P.J.  
                  Hull, J.

**C049544      HO v. LIN      (Not for Publication)**

The judgment is affirmed...

SIMS, Acting P.J.

We Concur:    Davis, J.  
                  Hull, J.

**C050084      In re L.T.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. GAIL T.      (Not for Publication)**

The order of the juvenile court is affirmed.

SIMS, Acting P.J.

We Concur:    Davis, J.  
                  Hull, J.

**C050412      In re J.L.; COLUSA COUNTY DEPARTMENT OF HEALTH AND HUMAN  
SERVICES/CHILD PROTECTIVE SERVICES v. M.K.      (Not for Publication)**

The order terminating parental rights is affirmed.

CANTIL-SAKAUYE, J.

We Concur:    Scotland, P.J.  
                  Robie, J.

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**The Minutes**

**January 25, 2006**

- C045135      THE PEOPLE v. BELL      (Not for Publication)**  
The abstract of judgment incorrectly states the year count one was committed was "00." This must be corrected to note the year count one was committed was "1999." In all other respects, the judgment is affirmed. The trial court is directed to amend the abstract of judgment accordingly, and to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.  
NICHOLSON, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C046249      THE PEOPLE v. PHILLIPS      (Not for Publication)**  
Defendant's convictions are affirmed. Defendant's sentence is vacated and the matter is remanded to the trial court for resentencing in accordance with part IV of this opinion.  
CANTIL-SAKAUYE, J.  
We Concur: Sims, Acting P.J.  
Robie, J.
- C047805      THE PEOPLE v. MARTIN      (Not for Publication)**  
The convictions are affirmed, and the case is remanded to the trial court for resentencing consistent with this opinion.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Butz, J.
- C048033      THE PEOPLE v. DIETZ      (Not for Publication)**  
Defendant's conviction under count one is reduced to the crime of attempted robbery. Defendants is to be resentenced only as to count one... The judgment is affirmed in all other respects.  
BLEASE, J.  
We Concur: Scotland, P.J.  
Hull, J.
- C049186      THE PEOPLE v. STRICKER      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Sims, Acting P.J.  
Hull, J.

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**The Minutes**

**January 25, 2006, continued**

**C048807      THE PEOPLE v. LINCOLN GENERAL INSURANCE COMPANY  
(Not for Publication)**

The order denying Lincoln's motion to vacate forfeiture and exonerate bond, and the order entering summary judgment on the bond are reversed. The cause is remanded to the trial court with directions to vacate its order and enter a new order granting the motion and discharging the forfeiture. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a)(4).)

MORRISON, J.

We Concur:    Scotland, P.J.  
                 Butz, J.

**C049131      SCHMIDT, as Public Guardian, etc., v. NATASHA H.  
(Not for Publication)**

The judgment (order of conservatorship) is reversed and the matter is remanded to the trial court for further proceedings consistent with this opinion. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a).)

SIMS, Acting P.J.

We Concur:    Hull, J.  
                 Robie, J.

**C049060      In re BURNS, On Habeas Corpus      (Not for Publication)**

The judgment (order granting writ of habeas corpus) is reversed. The trial court is directed to enter a new order denying writ relief.

MORRISON, J.

We Concur:    Raye, Acting P.J.  
                 Hull, J.

**C049516      MCCARTHY v. WORKERS' COMPENSATION APPEALS BOARD, BEST  
SANITIZERS, INC. et al.      (CERTIFIED FOR PUBLICATION)**

The decision of the WCAB is affirmed. Costs are awarded to respondents. (Cal. Rules of Court, rule 27(a).)

CANTIL-SAKAUYE, J.

We Concur:    Nicholson, Acting P.J.  
                 Robie, J.

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**January 26, 2006**

- C045498      THE PEOPLE v. QUEEN      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C048184      THE PEOPLE v. MARINO      (Not for Publication)**  
The judgment is affirmed.  
Robie, J.  
We Concur: Blease, Acting P.J.  
Sims, J.
- C049768      THE PEOPLE v. MALONE      (Not for Publication)**  
The trial court is directed to amend the abstract of judgment... In all other respects, the judgment is affirmed...  
BUTZ, J.  
We Concur: Blease, Acting P.J.  
Raye, J.
- C049820      THE PEOPLE v. PERO      (Not for Publication)**  
The judgment and order of commitment are affirmed.  
BUTZ, J.  
We Concur: Raye, Acting P.J.  
Morrison, J.
- C048194      OLAES v. NATIONWIDE MUTUAL INSURANCE COMPANY et al.      (CERTIFIED FOR PUBLICATION)**  
The judgment is affirmed. Oleas shall recover his costs on appeal.  
RAYE, J.  
We Concur: Scotland, P.J.  
Morrison, J.
- C048657      IDE v. SPENCER et al. and CARROLL, III, et al.      (Not for Publication)**  
The October 27, 2004 order denying appellant's motion for relief and awarding sanctions is affirmed. Cole is awarded costs on appeal. (Cal. Rules of Court, rule 27(a).)  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Raye, J.



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**The Minutes**

**January 26, 2006, continued**

- C048666      KILROY et al. v. CALIFORNIA HIGHWAY PATROL et al.**  
**(Not for Publication)**  
The judgment affirmed. Defendants are awarded their costs on appeal.  
HULL, J.  
We Concur: Scotland, P.J.  
Nicholson, J.
- C048881      MAMMOTH MOUNTAIN SKI AREA et al. v. GRAHAM et al.**  
**(CERTIFIED FOR PUBLICATION)**  
The judgment in favor of defendants is reversed...  
NICHOLSON, J.  
We Concur: Sims, Acting P.J.  
Morrison, J.
- C049169      HERNANDEZ v. McLIN et al.** **(Not for Publication)**  
The judgment is affirmed. McLin shall recover costs on appeal. (Cal.  
Rules of Court, rule 27(a).)  
ROBIE, J.  
We Concur: Hull, Acting P.J.  
Cantil-Sakauye, J.
- C049416      THE PEOPLE v. RODRIGUEZ**  
**BY THE COURT:**  
Pursuant to the written request of the appellant, the appeal filed on March  
17, 2005, is dismissed. It is further ordered that the remittitur issue forthwith.  
(See Cal. Rules of Court, rule 30.3.)  
SCOTLAND, P.J.

**January 27, 2006**

- C047752      THE PEOPLE v. VALLEY, SR.** **(Not for Publication)**  
The judgment is affirmed.  
SIMS, Acting P.J.  
We Concur: Hull, J.  
Butz, J.
- C049431      THE PEOPLE v. SINCLAIR** **(Not for Publication)**  
The judgment is affirmed.  
Morrison, J.  
We Concur: Raye, Acting P.J.  
Butz, J.

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**The Minutes**

**January 27, 2006, continued**

- C049496      THE PEOPLE v. MEZA      (Not for Publication)**  
The appeal is dismissed.  
ROBIE, J.  
We Concur: Raye, Acting P.J.  
Hull, J.
- C047151      GALLUP v. GALLUP, JR.      (Not for Publication)**  
The amended judgment dated April 12, 2004, is modified... As so modified, the judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)  
SIMS, J.  
We Concur: Blease, Acting P.J.  
Robie, J.
- C048303      CAMPAIGN FOR CALIFORNIA FAMILIES v. SCHWARZENEGGER and  
EQUALITY CALIFORNIA      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We Concur: Sims, J.  
Raye, J.
- C049072      McCREARY v. SUPERIOR COURT OF PLACER COUNTY      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We Concur: Blease, Acting P.J.  
Butz, J.
- C049338      In re MICHAEL D.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH  
AND HUMAN SERVICES v. CHRISTY D.      (Not for Publication)**  
The juvenile court order is affirmed.  
MORRISON, J.  
We Concur: Nicholson, Acting P.J.  
Raye, J.

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**January 27, 2006, continued**

The award of workers' compensation benefits is annulled, and the matter is remanded to the Workers' Compensation Appeals Board with directions to enter an order denying such benefits. The parties shall bear their own costs in the proceedings before this court.

We Concur: Butz, J.

Cantil-Sakaue, J.